

Exhibit K

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA LEE DAUGHERTY,
individually and as administratrix
of the estate of Norman Eugene
Daugherty, Jr., deceased,

Plaintiff,

v.

YRC INC. D/B/A YRC FREIGHT
and LUIS BURGOS,

Defendants.

CIVIL ACTION NO.

1:22-CV-1777-SEG

ORDER

The complaint in this action was filed on March 29, 2022, in the Superior Court of Gwinnett County and removed to this federal court on May 5, 2022. (Doc. 1.) On August 10, 2023, Defendant YRC, Inc. and YRC Inc. d/b/a YRC Freight filed a notice of automatic stay because it has filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of Delaware. (Doc. 92.) A review of the docket for Bankruptcy Case No. 23-11087 in the Delaware court shows that YRC, Inc. filed the Chapter 11 petition on August 6, 2023.

The Bankruptcy Code provides that “[a] debtor who has filed for Chapter 11 bankruptcy enjoys an automatic stay against actions to enforce, collect, assess or recover claims against the debtor or against property

of the estate.” *United States v. White*, 466 F.3d 1241, 1244 (11th Cir. 2006) (citing 11 U.S.C. § 362(a)). Such a stay continues “until the earliest of -- (A) the time the case is closed; (B) the time the case is dismissed; or (C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied.” 11 U.S.C. § 362(c)(2).

Because YRC, Inc. is the subject of a Chapter 11 bankruptcy proceeding, this case shall be STAYED until such time as the bankruptcy case is closed or dismissed or a discharge is granted or denied. During this period of stay, the case shall be ADMINISTRATIVELY CLOSED.¹

YRC, Inc. is ORDERED to update the Court on the status of the bankruptcy case every 120 days and to notify the Court within 10 days of the occurrence of one of the dispositions enumerated above and in 11 U.S.C. § 362(c)(2). Plaintiff Donna Lee Daugherty may move to reopen the case upon disposition of the bankruptcy petition.

¹Administrative closure of a case is a docket control device used by the Court for statistical purposes. This order does not prejudice the rights of the parties to litigation in any manner.

SO ORDERED this 11th day of August, 2023.


SARAH E. GERAGHTY
United States District Judge